

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES H. McLAUGHLIN

Application No. 09/964,143



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

This application was electronically returned to the examiner on August 16, 2005, for the examiner to:

- (1) hold the Appeal Brief filed on December 1, 2004 defective;
- (2) notify appellants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- (3) consider the substitute Appeal Brief, vacate the Examiner's Answer mailed March 2, 2005, and issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and

(4) have a complete copy of the substitute Appeal Brief and any subsequent Examiner's Answer scanned into the record.

This application was electronically returned to the examiner for a second time on November 17, 2005, for the examiner to:

- (1) consider the Reply Brief filed May 2, 2005, and
- (2) provide written notification to the appellant of said consideration.

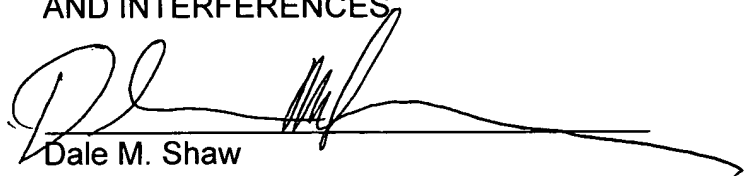
This application is now being electronically returned to the examiner for a third time. On May 23, 2006, appellant filed a Reply Brief in response to the Examiner's Answer filed April 19, 2006. It appears that the examiner has not had the opportunity to consider the Reply Brief filed May 23, 2006.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) consider the Reply Brief filed May 23, 2006;
- (2) written notification to appellant of said consideration; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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